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Attorney for Defendants
Charles Hsin and Optech Limited

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

Civil No. 07-4762-PJH

v.

CHARLES CATHCART, SCOTT
CATHCART, YURIJ DEBEVC, a/k/a
YURI DEBEVC, ROBERT NAGY,
DERIVUM CAPITAL (USA), INC.,
VERIDIA SOLUTIONS, OPTECH
LIMITED, CHIHSIU HSIN, a/k/a
CHARLES HSIN, FRANKLIN
THOMASON

Defendants.

**DECLARATION OF JENNY LIN-
ALVA IN SUPPORT OF
DEFENDANTS HSIN AND
OPTECH LIMITED'S
ADMINISTRATIVE MOTION
PURSUANT TO LOCAL RULE 7-
11 FOR EXTENSION OF TIME
TO ANSWER PLAINTIFF'S
COMPLAINT**

I, Jenny C. Lin-Alva, do hereby declare and state:

1. I am a member in good standing with the State Bar of California.
2. I am an associate at Ord & Norman.
3. On June 24, 2008, I conferred with Plaintiff's counsel Allyson Baker to seek an agreement as to an extension of time to July 15, 2008 for Defendants

1 Hsin and Optech Limited (hereafter “Defendants”) to file their answers to
2 Plaintiff’s complaint.

3 4. I indicated to Ms. Baker that additional time was needed because
4
5 Defendants’ counsel required additional time to resolve possible conflicts of
6 interest issues. I indicated to Ms. Baker that the delay in resolving these possible
7 conflicts issues was a result of ethics counsel being on vacation and his request
8 for additional information and documents. Ethics counsel’s additional request
9 includes the creation of new documents and not merely providing information and
10 documents already contained in our office files.
11

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13 5. Ms. Baker indicated that she did not feel she could agree to an extension to
14 July 15 absent some assurance that Defendants would not seek additional time to
15 answer the complaint beyond July 15. Ms. Baker was concerned that the
16 discovery cut-off deadline was approaching. Ms. Baker also expressed many
17 other concerns, including that the extension request may be a delay tactic and that
18 there was no assurance that this would be the last extension sought by the
19 Defendants.
20
21

22 6. I recollect, and stated in an earlier draft of this declaration reviewed by Ms.
23 Baker, that in explaining her reluctance to agree to an extension to July 15, she
24 also indicated:
25

26 a. that she felt she is not being informed as to the real reasons as to why an
27 extension is sought or needed; and
28

1 b. that this office did not make a good faith effort to resolve the conflicts
2 issue to enable a filing of an answer by the previously stipulated extension of
3 June 30, including because neither I nor this office informed Ms. Baker that ethics
4 counsel would be on vacation during this period.
5

6 7. Ms. Baker has indicated that she does not agree with the two statements
7 made in ¶6 of this declaration. As to statement b., Ms. Baker indicates that her
8 position is that “[she] was originally led to believe that defendants’ ethics counsel
9 would be actively working to resolve any potential conflicts during the first
10 extension period agreed to by the Government, not that ethics counsel would be
11 on vacation for much of that time.”
12

13 8. When I conferred with Ms. Baker previously in obtaining the first
14 extension, I indicated that we hoped that the conflicts issue would be resolved in
15 time so that we may file an answer for the Defendants by June 30. This was after
16 Ms. Baker would not agree to our original request for an extension of 40 days and
17 offered an extension to June 30. At which time I indicated we may need
18 additional time to file an answer past June 30. Ms. Baker indicated she would be
19 open to this idea. In today’s discussion, Ms. Baker indicated that she had in mind
20 an extension of a few days if an extension was needed past June 30. However,
21 the length of a possible extension past June 30 was not discussed at the time the
22 first extension was agreed to.
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1 9. This extension is not sought for purposes of delay. It is sought for the
2 reasons stated in the administrative motion for which this declaration is being
3 filed in support of. There are no other reasons, stated or unstated, as to why
4 Defendants are seeking this extension.
5

6 10. This office did make a good faith effort to resolve the conflicts issue.

7 11. I informed Ms. Baker that our office ethically could not agree that no
8 additional extension would be sought, especially in light of the possibility that
9 ethics counsel may inform our office that any determined conflicts are not
10 waivable and Defendants would have to seek new counsel.
11

12 12. It is my understanding that Plaintiff intends to file an opposition to this
13 motion.
14

15 I declare under penalty of perjury that the foregoing is true and correct.
16

17 Executed on June 25, 2008
18

19
20 By /s/ Jenny Lin-Alva
21 Jenny Lin-Alva
22

23
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26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Joseph P. Russoniello
United States Attorney
Thomas Moore
Assistant United States Attorney
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Attorneys for Defendant, Robert Nagy

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333 Sacramento Street
San Francisco, California 94111
Attorney for Defendant Scott Cathcart

I further certify that on June 20, 2008, service of the foregoing was made upon the following by depositing a copy in the United States mail, postage prepaid:

Yuri Debevc (*pro se*)
1483 Burningtree Road
Charleston, SC 29412

/s/ Edward O. Ord
EDWARD O. ORD